

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

STEVEN A. FLORIO,

Plaintiff,

v.

COMMONWEALTH OF MASSACHUSETTS,  
GOVERNOR CHARLES D. BAKER, individually  
and in his official capacity, MARYLOU  
SUDDERS, individually and in her capacity as  
Secretary of Health and Human Services,  
CATHERINE STARR, individually and in her  
capacity as Secretariat Human Resources Officer,  
and ERICA CRYSTAL, individually and in her  
capacity as Executive Office of Health of Human  
Services Labor Relations Director and Deputy  
General Counsel for the Commonwealth of  
Massachusetts,

Defendants.

Civil Action No. 1:21-cv-10665-IT

**DEFENDANTS' MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), and Local Rule 7.1, Defendants hereby move to dismiss all counts of Plaintiff's First Amended Complaint.

In support of this Motion, Defendants repeat and incorporate by reference Defendants' Memorandum of Law in Support of Their Motion to Dismiss.

WHEREFORE, Defendants respectfully request that this Court:

- A. Dismiss all counts of Plaintiffs First Amended Complaint; and
- B. Grant such other and further relief as equity and justice require.

COMMONWEALTH OF MASSACHUSETTS;  
GOVERNOR CHARLES E. BAKER, individually  
and in his official capacity; MARYLOU  
SUDDERS, individually and in her capacity as  
Secretary of Health and Human Services;  
CATHERINE STARR, individually and in her  
capacity as Secretariat Human Resources Officer;  
and ERICA CRYSTAL, individually and in her  
capacity as Executive Office of Health and Human  
Services Labor Relations Director and Deputy  
General Counsel for the Commonwealth of  
Massachusetts,

By their Attorney,

MAURA HEALEY  
ATTORNEY GENERAL

/s/ Eric A. Martignetti

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**CERTIFICATE OF COMPLAINECE WITH LOCAL RULE 7.1(a)(2)**

I, Eric A. Martignetti, hereby certify that on August 5, 2021 at 2 p.m., my co-counsel Kendra Kinscherf and I conferred with Plaintiff's counsel, Carlin J. Phillips and Philip N. Beauregard, in good faith. The parties were not able to resolve the issues.

/s/ Eric A. Martignetti

Eric A. Martignetti

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and copies were sent by first-class mail to those indicated as non-registered participants on August 13, 2021.

*/s/ Eric A. Martignetti*

Eric A. Martignetti